

### **REMARKS**

The non-final Office Action of January 13, 2010, has been reviewed and these remarks are responsive thereto.

#### **Status of the Claims**

Claims 1, 2 and 16-28 have previously been canceled. Claims 6 and 13-15 are cancelled by this amendment. Claims 35-38 are new. Claims 3-5, 8-9, 12, 29-34 are amended to further clarify the scope of protection. Thus, claims 3-5, 7-12, 29-38 are pending.

#### **Independent Claims 3, 29, and 32**

Claims 3-5, 13-15, 29, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau (US 2003/0135860) in view of Chen (US 2005/002253 A1) and further in view of Brooks (US 6,981,045 B1).

As discussed in the previous telephone interview of September 8, 2009, the Office concedes that neither Dureau nor Chen teach the determining step of claim 3, which recites:

determining whether a protocol associated with the second payload  
is dissimilar from a protocol associated with the first payload

The Office cites Brooks to address this deficiency. However, the “dissimilarity” allegedly being determined in Brooks deals with converting the input stream format to one that fits the output stream that the requesting device can ultimately handle. The alleged first and second payloads in Brooks are on opposite sides of the control block 450, and were not each carried in the first transport stream prior to demultiplexing. Claim 3 has been amended to recite “demultiplexing, at a device, a first transport stream to recover first and second payloads that were each carried in the first transport stream prior to demultiplexing,” and the alleged combination does not teach such a determination of such payloads.

Further, none of the references teach “transcoding the second payload to the protocol used to encode the first payload if the protocol used to encode the second payload is determined to be dissimilar from the protocol used to encode the first payload.” The Office relies on Dureau and Brooks for this feature.

Brooks indicates that “the requesting device will also inform gateway system 100 which output video format should be used to encode the data.” (col 11, ll. 44-46). Dureau says, “Control unit 502 is configured to detect received data 512, determine a target format for the data by accessing config table 510, and initiate transcoding of the data to the target format if necessary.” (para 43). Config table 510 “includes information which associates target secondary devices with a corresponding data format.” *Id.* Neither of these are “transcoding the second payload to the protocol used to encode the first payload if the protocol used to encode the second payload is determined to be dissimilar from the protocol used to encode the first payload.” Neither case involves determining whether there is similarity or dissimilarity of the protocols used to encode first and second payloads that were each carried in the first transport stream prior to demultiplexing. Therefore, the rejection of claim 3 is respectfully traversed.

The rejections of independent claims 29 and 32 are also traversed. As amended, both of these claims indicate that a plurality of first payloads and a plurality of second payloads were each carried in the first transport stream prior to demultiplexing. However, the alleged pluralities of first and second payloads in the applied references (e.g., Brooks) were not each carried in the first transport stream prior to demultiplexing.

In view of this, neither Brooks nor Chen nor Dureau teach either “transcoding each of the second payloads to be formatted according to a protocol that depends upon the first protocol” or “a transcoder configured to transcode each of the second payloads in a manner that depends upon the first protocol.” Indeed, these references do not transcode any set of payloads in a way that depends upon the protocol or formatting of another set of payloads that was also carried in the first transport stream. For at least these reasons, the applied references fail to teach all of features recited in amended claims 29 and 32.

### **Dependent Claims**

Each of the remaining claims stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, Brooks, and various other references. Each of these claims depend from either claims 3, 29, or 32. These claims are therefore allowable for at least the reasons discussed above, and further in view of the various features recited therein.

**New Claims**

New claims 35-38 also depend from claim 3, 29, or 32 and are therefore allowable for at least the reasons discussed above.

**Conclusion**

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the number below.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated this 13<sup>th</sup> of April, 2010 By:

/Steve Chang/

Steve S. Chang  
Registration No. 42,402

1100 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20005  
Tel: (202) 824-3154  
Fax: (202) 824-3001